

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

LEON A. MORRIS, SR.,

Plaintiff,

Case No. 3:22-cv-279

vs.

J DAVID TURNER, ATTORNEY, *et al.*,

District Judge Michael J. Newman

Magistrate Judge Caroline H. Gentry

Defendants.

ORDER: (1) ADOPTING THE REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE (Doc. No. 16); (2) OVERRULING PRO SE PLAINTIFF'S OBJECTIONS (Doc. No. 18); (3) DISMISSING PLAINTIFF'S AMENDED COMPLAINT WITH PREJUDICE (Doc. No. 14); (4) DENYING PLAINTIFF'S REQUEST FOR ISSUANCE OF A SUMMONS (Doc. No. 13); (5) DENYING A CERTIFICATE OF APPEALABILITY; (6) CERTIFYING THAT ANY APPEAL WOULD BE OBJECTIVELY FRIVOLOUS AND FINDING THAT *IN FORMA PAUPERIS* STATUS SHOULD BE DENIED ON APPEAL; AND (7) TERMINATING THIS CASE ON THE DOCKET

This *pro se* civil case is before the Court on the Report and Recommendation issued by United States Magistrate Judge Caroline H. Gentry (Doc. No. 16), to whom this case was referred pursuant to 28 U.S.C. § 636(b). Plaintiff was subject to an initial review of his complaint after being granted leave to proceed *in forma pauperis* under 28 U.S.C. § 1915. *See* Doc. No. 1. Upon initial review, Judge Gentry recommended that Plaintiff's complaint be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B). Doc. No. 16 at PageID 155. Plaintiff filed Objections to Judge Gentry's Report and Recommendation. Doc. No. 18.

Upon careful *de novo* consideration of the foregoing, the Court determines that the Report and Recommendation should be adopted. Accordingly, the Court: (1) **ADOPTS** the Report and Recommendation in full (Doc. No. 16); (2) **OVERRULES** Plaintiff's Objections; (3)

DISMISSES Plaintiff's amended complaint **WITH PREJUDICE** (Doc. No. 14); (4) **DENIES** Plaintiff's request for an issuance of a summons (Doc. No. 13); (5) **DENIES** Plaintiff a certificate of appealability; (6) **CERTIFIES** that any appeal would be objectively frivolous and finds that Plaintiff should be denied *in forma pauperis* status on appeal; and (7) **TERMINATES** this case on the Court's docket.

IT IS SO ORDERED.

September 11, 2023

s/ Michael J. Newman

Hon. Michael J. Newman
United States District Judge